

ZONING BYLAW AMENDMENT – SIDE YARDS

ARTICLE 43. Ms. Stone moves that the Town vote take affirmative action under Article 43 as printed in the handout and as follows:

In subsection 6.2.7, insert the following paragraph at the end of the subsection:

“In the Residence C District, any part of the principal structure that extends into the three (3) foot side yard exception area shall be no greater than fifteen (15) feet in height as defined in subsection 6.2.11. The Board may grant relief from the fifteen foot height limitation in the three (3) foot side yard exception area provided the Board finds that there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.”

so that the subsection reads as follows:

6.2.7 Side yards: Side yards shall be measured from the nearest point of any dwelling or structure to each side lot line, provided that nothing shall prevent the projection of uncovered steps and ramps or the construction of walls and fences. In the residential districts or for single-family dwellings in the Business or Medical-Professional districts, the width of one side yard may be reduced by an amount not to exceed three (3) feet if the width of the other side is correspondingly increased. Notwithstanding the foregoing, a building of accessory use may be placed not less than five (5) feet from a sideline so long as such building is not to be located nearer the sideline of the right-of-way than the rearmost point of the dwelling or any structure attached thereto.

In the Residence C District, any part of the principal structure that extends into the three (3) foot side yard exception area shall be no greater than fifteen (15) feet in height as defined in subsection 6.2.11. The Board may grant relief from the fifteen foot height limitation in the three (3) foot side yard exception area provided the Board finds that there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

And, in Table III – Dimensional Regulations, add footnote 1 as follows:

<i>Min. Frontage Exception In Feet</i>	<i>Min. Lot Width In Feet</i>	<i>Min. Front Yard In Feet</i>	<i>Min. Side Yard In Feet</i>	<i>Min. Rear Yard In Feet</i>	<i>Corner Clearance In Feet</i>
80	64	20	15 ¹	Lesser of: 30' or 25% of lot depth	10

¹Refer to Zoning Bylaw Subsection 6.2.7 for Residence C District.

ZONING BYLAW AMENDMENT – DEFINITION OF HEIGHT

ARTICLE 44. Ms. Stone moves that the Town vote take affirmative action under Article 44 as printed in the handout and as follows:

In subsection 6.2.11, after the first two paragraphs, add the following paragraphs at the end of the subsection:

“In the Residence C District, the height of a building shall be measured as the vertical distance from the ‘base elevation’ to the peak of the roof, or the highest point of the exterior in the case of a flat roof. The ‘base elevation’ is the average of the elevations of the ground where the two corners of the lowest foundation wall of any existing structure meet the ground. In the absence of an existing structure, the base elevation shall be the average elevation (measured as indicated in the previous sentence) of the ground at the location on the site where the new building is to be placed, prior to any grading or mounding.

The Board may grant relief from the above definition for the height of a building in the Residence C District provided the Board finds that a literal application of this requirement would be unreasonable because there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

In the Residence C District any part of the principal structure that extends into the three (3) foot side yard exception as defined in subsection 6.2.7 shall be no greater than fifteen (15) feet in height.”

so that the subsection reads as follows:

6.2.11 Height: The height of a building shall be measured as the vertical distance from the mean ground level of each side of the building to either the highest point of the exterior in the case of a flat roof or to the mean average finished grade between the plate and the ridge in the case of a pitched roof. Chimneys, spires, towers, and other projections not used for human occupancy or storage may extend above the height limits herein fixed except wind turbine facilities, which can only exceed the maximum height requirement by special permit granted by the Board.

In the Medical-Professional District south of Route 2, no portion of a building shall exceed thirty-five (35) feet in height unless such portion sets back from each street and such Medical-Professional District boundary line an amount equal to the sum of (1) the applicable minimum yard requirement and two (2) feet for each foot of height in excess of thirty-five (35) feet, provided that in no case shall any portion of a building exceed one hundred ten (110) feet in height.

In the Residence C District, the height of a building shall be measured as the vertical distance from the ‘base elevation’ to the peak of the roof, or the highest point of the exterior in the case of a flat roof. The ‘base elevation’ is the average of the elevations of the ground where the two corners of the lowest foundation wall of any existing structure meet the ground. In the absence of an existing structure, the base elevation shall be the average elevation (measured as indicated in the previous sentence) of the ground at the location on the site where the new building is to be placed, prior to any grading or mounding.

The Board may grant relief from the above definition for the height of a building in the Residence C District provided the Board finds that a literal application of this requirement would be unreasonable because there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from

the intent and purpose of this Bylaw.

In the Residence C District any part of the principal structure that extends into the three (3) foot side yard exception as defined in subsection 6.2.7 shall be no greater than fifteen (15) feet in height.

And, in Table III – Dimensional Regulations, add footnote 2 immediately following footnote 1, as follows:

		<i>Min. Lot Width in Feet</i>	<i>Min. Front Yard in Feet</i>	<i>Min. Side Yard in Feet</i>	<i>Min. Rear Yard in Feet</i>	<i>Corner Clearance In Feet</i>
	80	64	20	15 ¹	Lesser of: 30 , or 25 % of lot de pt h	10

¹Refer to Zoning Bylaw Subsection 6.2.7 for Residence C District.

²Refer to Zoning Bylaw Subsection 6.2.11 for Residence C District.

ZONING BYLAW AMENDMENT – TABLE OF PRINCIPAL USES (CORRECTIONS)

ARTICLE 45. Mr. Bobrowski moves that the Town vote to take affirmative action under Article 45 as printed in the warrant.

ZONING BYLAW AMENDMENT – TABLE III – DIMENSIONAL REGULATIONS

ARTICLE 46. Mr. Bobrowski moves that the Town vote to take affirmative action under Article 46 as printed in the warrant.

ZONING BYLAW AMENDMENT – COMMERCIAL VEHICLE WHEEL BASE

ARTICLE 47. Mr. Hoyt moves that the Town vote to take affirmative action under Article 47 as printed in the warrant.

ZONING BYLAW AMENDMENT – SPECIAL HOME OCCUPATION

ARTICLE 48. Mr. Hoyt moves that the Town vote to take affirmative action under Article 48 as printed in the warrant.

ZONING BYLAW AMENDMENT – SPELLING CORRECTIONS

ARTICLE 49. Mr. Hoyt moves that the Town vote to take affirmative action under Article 49 as printed in the warrant.

ZONING BYLAW AMENDMENT – TABLE OF USE REGULATIONS (WEST CONCORD BUSINESS DISTRICT)

ARTICLE 50. Mr. Sgarzi moves that the Town vote to take affirmative action under Article 50 as printed in the warrant but deleting the phrase “and to amend the related subsection 7.5.3 Removal of earth subject to Board approval” from the opening paragraph.

ZONING BYLAW AMENDMENT – ESTABLISH THE WEST CONCORD VILLAGE DISTRICT

ARTICLE 51. Mr. Sgarzi moves that the Town vote to take affirmative action under Article 51 as printed in the warrant with the following changes:

delete subsection 4.1.4 Earth Removal from the list of uses that are not allowed:

“In Table I – Principal Use Regulations, under the West Concord Village (WCV) column, insert the word “no” next to the following sub-categories of uses: ~~4.1.4 Earth removal,~~
4.2.1 Single-family dwelling, 4.2.2 Two-family or additional dwelling unit, ...”

and add a new paragraph to allow 4.1.4 Earth Removal by special permit, as follows:

“In Table I – Principal Use Regulations, under the West Concord Village (WCV) column, insert the letters “SP” next to subsection: 4.1.4 Earth removal.”

ZONING BYLAW AMENDMENT – GROCERY STORE, RETAIL STORE AND RESTAURANT

ARTICLE 52. Mr. Sgarzi moves that the Town vote to take affirmative action under Article 52 as printed in the handout and as follows:

In subsection 4.5 Business Uses, add:

4.5.19 Grocery store: A type of retail store primarily devoted to the sale of food products for home preparation and consumption, home care products and personal care products, or some combination thereof. In the West Concord Business District and the West Concord Village District the public retail area of a grocery store shall not occupy more than 5,000 square feet. Public retail area is defined as that interior area of the retail store devoted to display and sales and exclusive of rooms for storage, offices, restrooms, employee break rooms and utility rooms.

And amend Table I Principal Use Regulations by adding a category for 4.5.19 Grocery store allowed in all Commercial Districts, except in the Limited Business District, and not allowed in the Residential, **Medical/Professional** or the Industrial Districts as follows:

Principal Uses	Residential Districts				Commercial Districts					MP	Industrial Districts				Site Plan Approval
	AA	A	B	C	B	<u>CCB</u> <u>TDB</u> <u>NACB</u>	<u>WCB</u>	<u>WCV</u>	LB		WCI	I	IP	LIP	
4.5.19 Grocery Store	no	no	no	no	yes	yes	yes	yes	no	no	no**	no**	no	no	R

** Except as provided by Special Permit in a Combined industrial/business/residence building.

And amend Sections 4.5.1 and 4.5.4 to limit the size of retail stores and restaurants in the West Concord Business District and West Concord Village District by adding the new underlined sections below:

4.5.1 Retail store: Sale and display of merchandise within a building, **but not including grocery store.** Sale of ready-to-consume foods and beverages in disposable containers for consumption outside the building will be permitted only as an accessory use to the principal retail operation. In the West Concord Business District and in the West Concord Village District the public retail area of a retail store shall not occupy more than 4,000 square feet. Public retail area is defined as that interior area of the retail store devoted to display and sales and exclusive of rooms for storage, offices, restrooms, employee break rooms and utility rooms.

4.5.4 Restaurant: Restaurant, cafeteria, lunchroom or similar establishment whose principal business is the sale of prepared foods or beverages and whose principal method of operation includes either (1) service by a restaurant employee to a table or counter where the food or beverage is consumed, or (2) a cafeteria-type operation where foods and beverages are consumed within the restaurant building. In the West Concord Business District a restaurant shall not occupy more than 5,000 square feet of gross floor area and in the West Concord Village District a restaurant shall not occupy more than 4,000 square feet of gross floor area, unless a special permit is granted to allow a larger restaurant by up to twenty percent (20%). A special permit shall be granted by the Planning Board only upon a written determination as provided in Section 11.6 and that the larger restaurant serves a public purpose or has a public benefit.

ZONING BYLAW AMENDMENT – TABLE III – DIMENSIONAL REGULATIONS

ARTICLE 53. Mr. Sgarzi moves that the Town vote to take affirmative action under Article 53 as printed in the warrant with the following changes to Table III (handout) as follows:

Revise the column labeled as “Height In Feet” in Table III to add the language “minimum height side and rear 15; minimum height front façade 18” for the West Concord Business and West Concord Village as shown below:

TABLE III – DIMENSIONAL REGULATIONS

Frontage Exception In Feet	Min. Lot Width In Feet	Min. Front Yard In Feet	Min. Side Yard In Feet	Minimum Rear Yard in Feet	Corner Clearance In Feet

			<i>e t 1</i>		
			<u>0</u>	Where a business or industrial use abuts a residential dist.: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.	10
			<u>0</u>	Where a business or industrial use abuts a residential dist.: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.	10

¹ In the West Concord Business and West Concord Village Districts, the maximum front yard is ten (10) feet unless a special permit is granted for a greater front yard depth.

ZONING BYLAW AMENDMENT – FORMULA BUSINESS WITH A CAP

ARTICLE 54. Ms. Elden moves that the Town vote to take affirmative action under Article 54 as printed in the warrant with two revisions – delete the last feature (7. sign) from the list under section 1.3.10 and correct the numbering of features under section 1.3.10 to 1-4.

ZONING BYLAW AMENDMENT – FORMULA BUSINESS WITHOUT A CAP

ARTICLE 55. Ms. Elden moves that the Town vote to take affirmative action under Article 55 as printed in the warrant with a correction in the numbering of section 3.4 to 3.3 Formula Business and corresponding change to the following two subsections to 3.3.1 and 3.3.2.